THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22930 OF 2005

07.11.2005

Between:

Ms.Appala Vijayasree, D/o.late A.Muthaiah @ Mruthyumjaya

… Petitioner

AND

1. The State of Andhra Pradesh rep. By its Secretary,

Department of Panchayatraj, Secretariat, Hyderabad.

And others

… Respondents

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ORDER:

The petitioner is a resident of Vemulawada Village and Mandal. She seeks a writ of Mandamus declaring the action of the respondents 2 to 4 in not initiating action against the fifth respondent and stopping building construction as illegal and arbitrary. She also seeks consequential direction to remove the illegal construction made by the fifth respondent.

The petitioner is owner of House Nos.6-5-102 and 6-5-103 of Vemulawada. According to the petitioner, the fifth respondent recently purchased House No.6-5-126 from Rama Sastrulu and Rama Sastrulu appears to have obtained building permission vide permit No.A/8/87 dated 28.3.1987. It is further alleged that taking advantage of such permission, fifth respondent started construction and on enquiries, fourth respondent informed the petitioner that fifth respondent obtained permission for construction of residential house. The petitioner alleges that fifth respondent, in violation of rules and regulations, is constructing a lodge and a hotel without leaving any space. The petitioner submitted representations to the respondent on 13.7.2005, 18.7.2005 and 16.9.2005, in vain. Therefore, the present writ petition is filed.

At the stage of admission itself, this Court directed the learned Standing Counsel for Panchayats to get instructions in the matter. The learned Standing Counsel has produced the file before this Courts. The same would show that after receiving the complaints of the petitioner, the Gram Panchayat conducted enquiry into the matter and came to the conclusion that one Mohanlal applied for permission, which was granted and that he is not making any construction of lodge and hotel. In view of the same, this writ petition cannot be entertained especially when Mr.Mohanlal is not made as party to this writ petition. However, this Court observes that if Mr.Mohanlal makes any construction in deviation of permission, it shall be open to Gram Panchayat to take action against him in accordance with law.

The writ petition, with the above observations, is dismissed. No costs.

November 07, 2005. (**V.V.S.RAO,J**)

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